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## LCR 4. CIVIL CASE SCHEDULE

(a) **Case Schedule.** Except as otherwise provided in these rules or ordered by the Court, when an initial pleading is filed and a new civil case file is opened, the Clerk will prepare and file a scheduling order (referred to in these rules as a "Case Schedule"). When an initial pleading is filed electronically the Clerk will provide an electronic copy to the party filing the initial pleading. When an initial pleading is filed in via paper form the Clerk will provide two copies to the party filing the initial pleading. ~~When an initial pleading is filed electronically and the filer has agreed to accept electronic documents from the court pursuant to GR 30.2 (e), the Clerk will provide an electronic copy to the party filing the initial pleading.~~

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(l) **Non-dispositive Pretrial Motions.** All non-dispositive pretrial motions and supporting materials, including but not limited to motions to exclude evidence, shall be served and filed pursuant to the requirements of LCR 7(b)(3)(A). Responsive documents shall also be served and filed pursuant to the requirements of LCR 7(b)(3)(A). In addition, ~~courtesy~~ working copies of all motion documents shall be provided pursuant to the requirements of LCR 7(b). ~~to the Judge who will be hearing the motion.~~

(m) **Trial Briefs, Proposed Findings of Fact and Conclusions of Law, and Jury Instructions.** Except as otherwise ordered by the Court, parties shall serve copies of the trial brief or memorandum of authorities, proposed findings of fact and conclusions of law in non-jury cases, and proposed jury instructions for jury cases, upon opposing parties, with a working copy submitted to the assigned Judge, no later than five court days before the scheduled trial date.

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## LCR 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a)-(c) *[Reserved]*.

(d) **Filing.** No motion for any order shall be heard unless the original documents pertaining to it have been filed with the Clerk.

(k) **Copies of Cases Not to be Filed.** Working ~~Copies~~ of cases ~~shall may~~ be provided to a judge ~~in working copies,~~ pursuant to LCR 7(b)(3)(B), but shall not be filed with the clerk.

## LCR 7. CIVIL MOTIONS

(b) **Motions and Other Documents.**

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(3) **Argument.** All nondispositive motions and motions for orders of default and default judgment shall be ruled on without oral argument, except for the following:

(A) Motions for revision of Commissioners' rulings;  
(B) Motions for temporary restraining orders and preliminary injunctions;

(C) Family Law motions under LFLR 5;

(D) Motions to be presented in person to the before Ex Parte and Probate Department Commissioners pursuant to the Ex Parte and Probate Department Presentation of Motions and Hearings Manual (“Motions and Hearings Manual”) issued by the Clerk;

(E) Motions for which the Court allows oral argument.

**(4) Dates of Filing, Hearing and Consideration.**

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**(C) Oral Argument Requested on All Other Motions.** Any party may request oral argument by placing “ORAL ARGUMENT REQUESTED” on the upper right ~~hand~~ corner of the first page of the motion or opposition.

**(D) Opposing Documents.** Any party opposing a motion shall file and serve the original responsive papers in opposition to a motion, serve copies on parties, and deliver working copies to the hearing judge ~~via the judges’ mailroom in the courthouse in which the judge is located,~~ no later than 12:00 noon two court days before the date the motion is to be considered. Working copies shall be submitted pursuant to the requirements in this rule.

**(E) Reply.** Any documents in strict reply shall be similarly filed and served no later than 12:00 noon on the court day before the hearing.

**(F) Working Copies.** Working copies of the motion and all documents in support or opposition shall be delivered to the hearing judge, commissioner, or appropriate judicial department no later than on the day they are to be served on all parties. Working copies shall be submitted as follows: The working copies shall be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the hearing judge and shall be delivered to the judges’ mailroom in the courthouse in which the judge is located.

**(i) Electronic Submission of Working Copies.** Judges’ Working copies of an e-filed motion and all documents in support or opposition shall may be electronically submitted delivered to the hearing judge using the Clerk’s e-filing system no later than on the day they are to be served on all parties. The Clerk may assess a fee for the electronic submission of working copies. The working copies shall be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the hearing judge and shall be delivered to the judges’ mailroom in the courthouse in which the judge is located.

**(ii) E-Filed Documents For Which Working Copies Shall Not Be Electronically Submitted.** Judges’ working copies shall not be electronically submitted for any document of 100 pages or more in length, summary judgment motions, or for any documents filed in paper form. These working copies must be submitted in paper form pursuant to the requirements in this rule.

**(iii) Delivery of Working Copies in Paper Form.** The upper right corner of all judges’ working copies submitted in paper form shall be marked “working copies” and note the date of consideration or hearing, and the name of the hearing judge or commissioner or the name of the calendar on which the motion is to be heard, by whom the documents are being presented (“moving party,” “opposing party,” or other descriptive or identifying term), and shall be delivered to the judges’ mailroom or appropriate department in the courthouse in which the judge or commissioner is

located.

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**(5) Form of Motion and Responsive Pleadings.**

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**(C) Form of Proposed Orders; Mailing Envelopes.** The moving party and any party opposing the motion shall attach a proposed order to the working copies of their documents ~~a proposed order~~. The original of each proposed order shall be ~~delivered~~ submitted to the hearing judge but shall not be filed with the Clerk. For motions without oral argument ~~and~~ for which working copies are submitted in paper form, the moving party shall also provide the court with pre-addressed stamped envelopes addressed to each party/counsel. Envelopes are not necessary when submitting working copies electronically via the Clerk's system.

**(D) Presentation by Mail.** With respect only to those matters that must be presented to the assigned judge, the chief judge of the Regional Justice Center or the Chief Judge of the Unified Family Court Department, parties Counsel may present agreed orders and ex parte orders based upon the record in the file by mail, addressed either to the court or to the Clerk. When signed, the judge/commissioner will file such order with the Clerk. When rejected, the judge/commissioner may return the papers to the counsel. For agreed orders presented in paper form, An addressed stamped envelope shall be provided for return of any conformed materials and/or rejected orders.

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**(8) Motions for Revision of a Commissioner's Order.** For all cases except juvenile and mental illness proceedings:

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(B) A hearing on a motion for revision of a commissioner's order shall be scheduled within 21 days of entry of the commissioner's order, unless the assigned Judge or, for unassigned cases, the Chief Civil Judge, orders otherwise.

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(iii) All motions for revision of a commissioner's order shall be based on the written materials and evidence submitted to the commissioner, including documents and pleadings in the court file. The moving party shall provide the assigned judge a working copy of all materials submitted to the commissioner in support of and in opposition to the motion, as well as a copy of the electronic recording, if the motion before the commissioner was recorded. Oral arguments on motions to revise shall be limited to 10 minutes per side. Working copies shall be submitted pursuant to the requirements of LCR 7(b).

(iv) The commissioner's written order shall remain in effect pending the hearing on revision unless ordered otherwise by the assigned Judge, or, for unassigned cases, the Chief Judge.

(v) The party seeking revision shall, at least 5 days before the hearing, deliver to ~~the judges' mailroom, for the assigned judge or Chief Judge,~~ working copies of the motion, notice of hearing, and copies of all documents submitted by all parties to the commissioner, pursuant to LCR 7(b).

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**(9) Motion for Order to Show Cause.** Motions for Order to Show Cause may shall be heard in presented without oral argument to the eEx pParte and Probate dDepartment through the Clerk's office. For cases where the return on the order to show

cause is before the hearing judge, the moving party shall obtain a date for such hearing from the staff of the assigned judge before ~~appearing in~~ presenting the motion to the eEx pParte and Probate dDepartment.

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## LCR 16. PRETRIAL DEADLINES AND PROCEDURES

### **(a) *Pretrial Procedures- Civil Cases and Family Law Cases Not Involving Children.***

**(1) Mandatory Joint Confirmation of Trial Readiness.** Parties shall complete a Joint Confirmation of Trial Readiness form, file it with the clerk, and provide a working eopies copy send eopies to the assigned judge by the deadline on the case schedule. Failure to complete and file the form by the deadline may result in sanctions, including possible dismissal of this case. The Joint Confirmation of Trial Readiness Report shall include, at minimum:

- (A) Type of trial and estimated trial length;
- (B) Trial week attorney conflicts;
- (C) Interpreter needs;
- (D) To what extent alternative dispute resolution has been used in the case;

- (E) Any other factors to assist the court to bring about a just, speedy, and economical resolution of the matter.

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## LCR 40. ASSIGNMENT OF CASES AND WHERE MOTIONS ARE TO BE HEARD

### **(a) *Location of Times and Calendars.* See LCR 7(b)(2).**

### **(b) *Notice of Trial--Note of Issue.***

**(1) Assignment of case to Judge.** The Clerk at filing will issue for all civil cases, except those noted in LCR 4(b) or 40(b)(2), a trial date and a case schedule, and will assign the case to a judge. Except as provided in LCR 40(b)(2), all motions, trials and other proceedings in a case shall be brought before the assigned judge.

**(2) Cases Not Assigned.** Cases not assigned a case schedule or judge on filing or where initial hearing is not held before the assigned judge:

**(A) Antiharassment Petitions.** See LCR 40.1(b)(2).  
~~Applications for temporary orders shall be presented in the Ex Parte Department.  
Hearings on final orders for Seattle and Kent case assignment area cases shall be set in the temporary order.~~

**(B) Certificate of Rehabilitation.** These shall be noted with oral argument before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center.

**(C) Family Law Proceedings.** See LFLR 5.

**(D) Frivolous Liens.** If the motion to discharge a purportedly frivolous lien is a new action and not part of an underlying proceeding, the motion shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. If the motion is part of an underlying proceeding, the matter should be noted before the assigned judge.

**(E) Guardianships, Probates and Other Settlements of Claim involving Incapacitated Adults or Minors.** See LCR 40.1(b)(2). ~~All proceedings brought under Title 11 which include but are not limited to Guardianships, Probates, and trust matters, as well as motions to approve settlement of a claim on behalf of a minor or incapacitated adult pursuant to SPR 98.16, shall be set on the Guardianship/Probate calendar in the Ex Parte Department either through the Clerk's office or in person, pursuant to the policy guidelines in the Motions and Hearings Manual issued by the Clerk's office. If the matter is contested, it may be referred by the judicial officer to the Clerk who will issue a trial date and will assign the case to a judge.~~

**(F) Marriage Age Waiver Petitions.** See LCR 40.1(b)(2) and LFLR 19 ~~These petitions shall be presented in the Ex Parte Department.~~

**(G) Mental Illness Proceedings.** The hearings in mental illness proceedings shall be heard on the mental illness calendar.

**(H) Non Compliance Hearings.** Hearings on the return of orders to show cause for failure to comply with the case schedule will be held in the designated courtroom at the Seattle Courthouse, for Seattle case assignment area cases and in the designated courtroom at the Maleng Regional Justice Center for Kent case assignment area cases, before the special master, commissioner or judge hearing that calendar.

**(I) Orders for Protection.** See LCR 40.1(b)(2). ~~Petitions for temporary orders shall be presented in the Ex Parte Department. Final hearings will be set on the domestic violence calendar in the Family Law Department.~~

**(J) Receivership Proceedings.** See LCR 40.1(b)(2). ~~If the petition is a new action and not part of an underlying proceeding, the initial hearings shall be set in the Ex Parte Department, and be presented in person; contested proceedings may be referred by the commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge.~~

**(K) Small Claims Appeals.** The clerk at filing will issue a Notice of Decision Date and Assignment of Judge for review of the record without oral argument. The decision shall be issued to the parties.

**(L) Status Conference (LFLR 4(e)).** The status conference calendar for all family law cases that require a status conference will be held in the designated courtroom at the Seattle Courthouse for Seattle case assignment area cases and in the designated courtroom at the Maleng Regional Justice Center for Kent case assignment area cases before the special master, commissioner or judge hearing that calendar.

**(M) Supplemental Proceedings.** Hearings on supplemental proceedings shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Judge of the Maleng Regional Justice Center. The supplemental proceedings fee must be received before hearings will be set by the clerk.

**(N) Support Modifications (Trials by Affidavit).** See LFLR 14.

**(O) Unlawful Detainer Actions.** See LCR 40.1(b)(2). ~~The orders to show cause, and any agreed orders or orders that do not require notice, shall be obtained by presenting the orders, through the Clerk's office, to the Ex Parte and Probate Department, without oral argument. The initial hearing on order to show cause shall be heard in person in the Ex Parte and Probate Department, provided that contested proceedings may be referred by the judicial officer to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge.~~

**(P) Vulnerable Adult Petitions.** See LCR 40.1(b)(2). ~~Requests for both ex parte temporary orders and final hearings shall be heard in the Ex Parte Department.~~

**(Q) Work Permits/Variances for Minors.** Applications for work permits for minors, sought pursuant to RCW 26.28.060, shall be presented to the Seattle Chief Civil Department for cases with a Seattle designation and to the Chief Judge of the Maleng Regional Justice Center for cases with a Kent assignment.

**(R) Writs.**

(i) Applications for Writs of Habeas Corpus relating to custody of minor children shall be presented to and returnable to the senior Judge of the Unified Family Court department at the Maleng Regional Justice Center.

(ii) Extraordinary writs (writs of review, coram nobis mandamus, prohibition and certiorari): See LCR 98.40.

(iii) For other writs (pre-judgment garnishment, attachment, replevin, restitution, assistance) the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. ~~or the assigned judge~~ See also LCR 40.1(b)(2)(S).

**(3) Trial Dates.** If a case has not been assigned a trial date, or if the assigned trial date has passed and the case has not been dismissed, any party may apply by motion to the assigned judge, or if no assigned judge, to the Seattle Chief Civil Department for cases with a Seattle designation and to the Chief Regional Justice Center Judge in Kent for cases with a Kent assignment, for assignment of a trial date and a case schedule. The motion, which shall be decided without oral argument, shall briefly describe the case, including whether a jury demand has been filed, the expected length of the trial, and any other information relevant to the setting of a trial date.

**(4) Motions to Consolidate.** Motions to consolidate cases for trial or other purposes, or to reassign a case to a different judge for reasons of the efficient administration of justice, shall be made in writing to the Chief Civil Judge. Cases without a case schedule or an assigned judge may be consolidated into another case by any judicial officer on the Court's own motion.

**(5) Notice of Trial.** A Notice of Trial, as provided in CR 40(a), shall not be filed in any civil case.

**(d) Continuances/Change of Trial Date.**

**(1) Limited Adjustment of Trial Date to Resolve Schedule Conflict.** In cases that are governed by a Case Schedule, the trial date may be adjusted, prior to the Final Date to Change Trial, by motion, to a Monday no more than 28 days before or 28 days after the trial date listed in the Case Schedule.

**(2) Change of Trial Date.** A motion to strike a trial date, or change a trial date more than 28 days before or after the original date, shall be made in writing to the assigned Judge, or if there is no assigned Judge, to the Chief Civil Department, and shall be decided without oral argument. If a motion to change the trial date is made after the Final Date to Change Trial Date, as established by the Case Schedule, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A motion to strike or change a trial date may be granted subject to such conditions as justice requires.

**(3) Amended Case Schedule.** When a trial date is changed, the judge changing the trial date may amend the case schedule or may direct that the parties confer and propose a new schedule. Unless some other deadline for submitting the proposed case schedule is set by the court, the parties must submit a proposed case schedule for signature by the assigned judge no later than twenty days after the order changing the trial date is signed.

**(4) Change of Trial Date on Court's Motion.** The Court on its own initiative may, if necessary, change the trial date.

**(e) Change of Judge.** ~~For motions to consolidate or reassign a case in the interest of judicial economy, see LCR 40(b)(4).~~ For affidavits of prejudice see RCW 4.12.050.

**(f) Affidavits--Court Commissioners.** Affidavits of prejudice or for change of Court Commissioner will not be recognized. The remedy of a party is for a motion for revision under RCW 2.24.050.

**\*\*\*NEW RULE \*\*\***

**LCR 40.1 EX PARTE AND PROBATE DEPARTMENT**

**(a) Ex Parte and Probate Department.**

**(1) Reserved.**

**(2) Ex Parte and Probate Department Presentation of Motions and Hearings Manual.** The Ex Parte and probate Department and probate Presentation of Motions and Hearings Manual (“Motions and Hearings Manual”) is issued by the Clerk and shall contain a list of all matters that shall be presented to the Ex Parte and Probate Department and specifically indicate which matters shall be heard in person and which shall be submitted in writing, without oral argument, through the Clerk’s office. The Motions and Hearings Manual shall contain specific procedural information on how to present matters through the Clerk’s office. The Motions and Hearings Manual shall be made available online at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk) and in paper form through the Clerk’s office and the Ex Parte and Probate Department.

**(b) Motions and Other Documents**

**(1) Scope of Rules.** This rule governs all matters presented to the Ex Parte and Probate Department.

**(2) Cases Not Assigned.** Except as provided otherwise in these rules, all motions and proceedings pertaining to cases not assigned a case schedule or judge on filing or where the initial hearing is not held before the assigned judge shall be presented



to the Ex Parte and Probate Department. See LCR 40(b)(2). The following cases or motions are heard by the Ex Parte and Probate Department:

**(A) Adoption Proceedings.** Adoption proceedings, except Confidential Intermediary Petitions which are assigned to the Judges Sealed File Committee, shall be heard in the Ex Parte and Probate Department or a judge by special setting. Contested proceedings may be referred by the commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge. All hearings to finalize an Adoption Petition shall be noted for a hearing on the appropriate calendar. All other matters shall be presented via the Clerk.

**(B) Agreed and Default Family Law Decrees and Modifications.** See LFLR 5.

**(C) Antiharassment Petitions, Orders for Protection and Vulnerable Adult Petitions:**

**(i) Antiharassment Petitions.** Applications for temporary antiharassment protection orders shall be presented in the Ex Parte and Probate Department. Hearings on final antiharassment protection orders for Seattle and Kent case assignment area cases shall be set in the temporary order on the antiharassment calendar.

**(ii) Orders for Domestic Violence Protection.** Petitions for temporary orders may be presented in the Ex Parte and Probate Department or at Juvenile Court as to certain dependent children. Permanent domestic violence protection hearings will be set on the domestic violence calendar in the Family Law Department.

**(iii) Sexual Assault Protection Orders.** Applications for temporary sexual assault protection orders shall be presented in the Ex Parte and Probate Department. Hearings on final sexual assault protection orders for Seattle and Kent case assignment area cases shall be set in the temporary order on the antiharassment calendar.

**(iv) Vulnerable Adult Petitions.** Requests for both ex parte temporary orders and final hearings shall be heard in the Ex Parte and Probate Department.

**(D) Emancipation of a Minor.** Petitions for Emancipation of a Minor shall be noted before the Chief UFC Judge, who may refer the matter to Family Court Services for investigation. See also LFLR 18.

**(E) Guardianships, Probates and Other Settlements of Claim involving Incapacitated Adults or Minors.** All proceedings brought under Title 11 which include but are not limited to Guardianships, Probates, and trust matters, as well as motions to approve settlement of a claim on behalf of a minor or incapacitated adult pursuant to SPR 98.16, shall be set on the Guardianship/Probate calendar in the Ex Parte and Probate Department either through the Clerk's office or in person, pursuant to the policy guidelines in the Motions and Hearings Manual issued by the Clerk's office. If the matter is contested, it may be referred by the judicial officer to the Clerk who will issue a trial date and will assign the case to a judge.

**(F) Judgments on Arbitration Awards.** Judgments on Arbitration Awards shall be presented to the Ex Parte and Probate Department with notice to the other parties.

**(G) Marriage Age Waiver Petitions.** These petitions shall be noted before the Chief UFC Judge, who may refer the matter to Family Court Services for investigation. See also LFLR 19.

**(H) Motions for Order to Show Cause.** All Motions for Show Cause shall be presented to the Ex Parte and Probate Department. For cases where the return on the order to show cause is before the assigned trial court, the moving party shall obtain a date for such hearing from the staff of the assigned trial court before presenting to the Ex Parte and Probate Department. See also LCR 7(b)(9). For all cases where the return on the order to show cause is to a calendar, rather than before the assigned judge, the moving party shall select the return date and state the calendar in the proposed order. See also LCR 7(b)(3); LFLR 5.

**(I) Orders Waiving Filing Fees.** In Forma Pauperis Motions where the party is attempting to seek a waiver of the initial filing fee shall be presented to the Ex Parte and Probate Department.

**(J) Orders Waiving Ex Parte Via the Clerk and ECR On-Line fees.** Requests to waive fees for Ex Parte via the Clerk shall be presented to the Clerk. Forms and instructions for these waivers are available at the Clerk's Office or on the Clerk's website: [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk) See LR 78 regarding the waiver of ECR On-line fees.

**(K) Orders Waiving Other Fees.** Waiver of fees other than initial filing fees shall be presented to the assigned judge, or if no assigned judge to the Chief Civil Judge. See RAP 15 for waiver of appellate fees and costs.

**(L) Orders to Remove non-ECR Files.** Orders to remove non-ECR files from clerk's office shall be presented to the Ex Parte and Probate Department.

**(M) Orders Vacating a Dismissal.** Orders vacating a dismissal of any civil case combined with a final dispositive order shall be presented to the Ex Parte and Probate Department.

**(N) Receivership Proceedings.** If the petition is a new action and not part of an underlying proceeding, the initial hearings shall be set in the Ex Parte and Probate Department, and be presented in person; contested proceedings may be referred by the commissioner to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge.

**(O) Sealed Files:** See LGR 15, LCR 26(b), LCR 77(i)(11) and LFLR 11.

**(P) Temporary Restraining Orders.** Temporary restraining orders seeking relief pending a hearing on show cause shall be presented to the Ex Parte and Probate Department, and may be presented along with the Motion for Show Cause.

**(Q) Unlawful Detainer Actions.** The orders to show cause, and any agreed orders or orders that do not require notice, shall be obtained by presenting the orders, through the Clerk's office, to the Ex Parte and Probate Department, without oral argument. The initial hearing on order to show cause shall be heard in person in the Ex Parte and Probate Department, provided that contested proceedings may be referred by the judicial officer to the Clerk who will issue a trial date and a case schedule and will assign the case to a judge.

**(R) Unopposed Matters.** Unopposed matters are to include any agreed order or any order that does not require notice to any other party, interested person or entity and does not require the approval of the assigned judge and is not reserved to any other calendar by any statute, court rule or court order.

**(S) Writs.** For pre-judgment garnishment, attachment, replevin, restitution and assistance writs the initial application shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. For other writs, see LCR 40 (b)(2).

**(3) Assigned Cases.** Although assigned to a judge (IC judge), the following civil matters shall be presented to the Ex Parte and Probate Department except as provided otherwise in these rules or by the Court:

(A) In civil proceedings, including family law proceedings, all agreed orders, judgments and decrees, and any orders that do not require notice to any other party, interested person, or entity, including motions for orders to show cause, provided that the order does not affect the case schedule, direct the Clerk to seal a document or file, or purport to direct the manner in which another Department or Judge handles a hearing (i.e. a motion to exceed page limits or shorten time), and is not reserved to any other calendar by any statute, court rule, or court order. See LCR 40 and LFLR 5.

(B) Motions to approve or disapprove the settlement of a claim on behalf of an incapacitated adult or minor. See SPR 98.16.

(C) Judgments on arbitration awards. See LMAR 6.3.

(D) Civil and family law emergency restraining orders, including domestic violence, sexual assault, and anti-harassment protection orders where either no notice or shortened notice has been given to the opposing parties.

(E) Any other matters as directed by these rules or the Court.

**(4) Matters Not Presented to the Ex Parte and Probate Department.** Regardless of the type of motion, the following types of cases are not heard in the Ex Parte and Probate Department except as otherwise directed by the Court: juvenile court proceedings; civil commitment and sexual predator proceedings; criminal matters; and family law matters given a UFS or UFK designation and assigned to an individual judicial officer for intensive case management. See LFLR 5 and the Motions and Hearings Manual with respect to what types of family law motions shall be presented to the Ex Parte and Probate Department.

**(5) Argument.** Matters presented to the Ex Parte and Probate Department are heard either with or without oral argument as determined by this rule.

**(A) Matters With Oral Argument.** Generally, emergency orders of protection, other specific emergent matters, matters requiring notice, matters requiring testimony, and matters directed specifically by the Court will be heard in person, with oral argument, on the assigned Ex Parte and Probate Calendar. The parties shall comply with the Motions and Hearings Manual to determine if a specific matter shall be permitted oral argument.

**(B) Matters Without Oral Argument.** All other matters not presented in person shall be submitted to the Ex Parte and Probate Department in writing, without oral argument, through the Clerk's office. Parties must deliver or mail their paperwork to the Clerk's office directly. The Clerk's office will assess a processing fee. The processing fee must be paid or waived at the time of submission. Parties shall comply with the specific process set forth in the Motions and Hearings Manual for submitting their paperwork.

**(C) Matters Required to be Noted.** Matters required to be noted for hearing in the Ex Parte and Probate Department must be presented by the parties in

person at the time of the noted hearing. Matters may not be noted in the Ex Parte and Probate Department for hearing without oral argument.

## LCR 54. JUDGMENTS AND COSTS

### *(f) Presentation.*

**(3) Presentation by Legal Assistant.** Legal assistants who are duly registered with the King County Bar Association or any local bar association of this state may personally present ~~agreed, ex parte and uncontested~~ orders based solely upon the documents presented and the record in the file.

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## LCR 55. DEFAULT AND JUDGMENT

### *(a) Entry of Default.*

**(1) Order of Default.** When there has not been an appearance by any non-moving party, the moving party shall ~~A party may seek entry of an Order of Default in from the Ex Parte and Probate Department through the Clerk's office.~~ When there has been an appearance by any non-moving party, the motion for default shall be noted without oral argument before the assigned Judge, or if none, in the courtroom of the Chief Civil Department for Seattle case assignment area cases and the Chief Judge of the Maleng Regional Justice Center for Kent case assignment area cases.

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**(b) Entry of Default Judgment.** Upon entry of an Order of Default, a party ~~may~~ shall move for entry of judgment against the party in default ~~in from the Ex Parte and Probate Department through the Clerk's office, or before the assigned Judge.~~ If the Court determines that testimony is required, the moving party shall schedule the matter ~~at any time to be heard in person in the Ex Parte and Probate Department, or at the time designated by the assigned Judge's department.~~

**(c) Setting Aside Default Judgments.** Orders to show cause to vacate ~~orders of~~ default judgments shall be presented to the Ex Parte and Probate Department either through the Clerk's office or in person, pursuant to the policy guidelines in the Motions and Hearings Manual issued by the Clerk. Orders to show cause are returnable to the assigned judge. If no judge is assigned, orders to show cause are returnable to the Chief Civil Judge for Seattle cases and the Chief Judge of the Maleng Regional Justice Center for Kent cases. See LCR 7(b)(8). Also see LCR 60(e)(1).

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## LCR 59. NEW TRIAL, RECONSIDERATION, AND AMENDMENT OF JUDGMENTS

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**(c) Form of Proposed Order; Mailing Envelopes.** The moving party and any party given leave to file a memorandum in opposition shall attach an original proposed order to their working copies papers submitted to the hearing judge. If the working copies

are submitted in paper form, pre-addressed stamped envelopes for each party/counsel shall also be submitted to the hearing judge. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. a proposed order. The original of each proposed order, together with pre-addressed stamped envelopes for each party/counsel, shall be delivered to the hearing judge.

## LCR 65. INJUNCTIONS

### **(b) Temporary Restraining Order**

**(1) Where heard:** Except for family law cases, a party seeking a temporary restraining order ~~may bring~~ shall present the motion for temporary restraining order ~~in to the eEx pParte and Probate dDepartment through the Clerk's Office.~~ For family law cases, see the LFLR's (Local Family Law Rules).

**(2) Calendaring requirement:** Prior to appearing in the ~~eEx pParte and Probate dDepartment~~ on a motion for a temporary restraining order, the moving party shall obtain a date for hearing on the motion for preliminary injunction from the trial department to which the case is assigned. The hearing shall be set in conformance with the timing requirements of CR 65(b).

## LCR 66. RECEIVERSHIP PROCEEDINGS

### **(a) Generally.**

**(1) Petition and Notice.** A petition for appointment of a receiver may be filed in an underlying proceeding, as provided in RCW 7.60 or as a new action as otherwise provided by statute. Reasonable notice of the time and place of the hearing to determine the appointment of a receiver and the name of any proposed receiver recommended by the petitioner shall be served upon all parties. If the petition is filed as a new action, the initial hearing shall be ~~set~~ noted in the Ex Parte and Probate Department, be presented directly by the parties, and an order to show cause shall be served on all parties. Contested proceedings may be referred by the commissioner to the assigned Judge. Petitions filed in a pending action shall be heard by the assigned Judge, and do not require an Order to Show Cause if all parties have been served and appeared in the action. Upon the appointment of a receiver, the receiver shall notify all parties of the appointment.

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## LCR 77. SUPERIOR COURTS AND JUDICIAL OFFICERS

### **(f) Sessions.**

....

**(11) Sealed Files.** Applications to examine sealed files shall be made as follows: civil, ~~and domestic, paternity and dependency cases to the assigned judge, or~~ respective Chief Judge, and petitions to review or remove a will from the will repository to the Ex Parte and Probate Department, with oral argument, presented in person; adoption cases to the Sealed Adoption File Committee judges; dependency cases to the

Juvenile Department; mental illness cases to the mental illness calendar. No order permitting the examination of any sealed file shall be entered without a written motion establishing justification under applicable court rules and caselaw. The court may, in its discretion, require notice to be given to any party in interest before permitting such examination.

## LCR 78. CLERKS

### **(a) Powers and Duties of Clerk.**

(1) Certification. The Clerk, upon application and payment of the fee provided by law, shall certify any one or more of the rules of this Court, or subsections thereof.

....

**(i) Waiver of ECR On-Line fees.** Requests to waive fees for ECR On-line shall be presented to the Clerk. Forms and instructions for these waivers are available at the Clerk's Office or on the Clerk's website: [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk)

## LCR 82. CASE ASSIGNMENT AREA

**(e) Location for Court Proceedings for Civil Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.**

....

**(5) Where Pleadings and Documents Filed.** Pursuant to LGR 30, all pleadings and documents for any civil action in King County must be electronically filed with the Clerk using the Clerk's e-filing system. Documents identified as exceptions to mandatory e-filing Pleadings and documents for any civil action in King County may must be filed in paper form with the Clerk of the Superior Court at any court facility in any case assignment area in the county. Working copies of documents for the judge or commissioner must be submitted pursuant to the requirements of LCR 7(b). Documents filed in electronic form, pursuant to GR 30, must be filed in a manner prescribed by the Clerk. Working copies of documents for the Judge must be delivered to the court facility where the Judge is assigned.

....

## LCR 93.04 ADOPTION PROCEEDINGS

....

**(d) Court's Working Copies Papers.** ~~Courtesy~~ Working copies of pleadings and Notice for Hearing shall be delivered submitted to the hearing judge or commissioner, pursuant to the requirements of LCR 7(b), Judge's mailroom in the courthouse designated for the case no later than 14 days prior to the date set for hearing.

....

**(h) File Review.** The Adoption Service shall review and forward to the Court the original court file, approved adoption checklist, court docket and working copies papers not less than two court days prior to any properly noted hearing. The Adoption Service shall notify the Court and parties of any deficiencies noted in the court file.

....

## LCR 98.04 ESTATES-PROBATE-NOTICES

(a) **Probate Hearings.** Probate matters shall be ~~heard in~~ presented to the Ex Parte and Probate Department in accordance with the policy guidelines in the probate manual issued by the Court and the Motions and Hearings Manual issued by the Clerk. The judicial officer may refer contested proceedings to the Clerk who shall issue a case schedule and assign a judge.

(b) **Clerk's File and Noticed Hearings Required.** The following matters shall be noted for hearing at least 14 days in advance:

....

(6) Working copies of all documents in contested matters and those matters requiring notice must be delivered submitted to the Ex Parte and Probate Department, hearing judge, or commissioner, or the judges' mailroom of the appropriate case assignment area, not later than seven days preceding the hearing. Response documents including briefs, if any, must be filed with the clerk, and copies shall be served on all parties, and working copies shall be submitted delivered to Ex Parte, or the judges' mail room of the appropriate case assignment area the hearing judge, or commissioner, no later than noon four court days prior to the hearing time. Documents in strict reply thereto shall be similarly filed and served no later than noon two court days prior to the hearing. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. The upper right hand corner of all working copies shall be marked "working papers" and note the name of the calendar, the date and time of the hearing, and by whom these documents are being presented ("moving party," "opposing party" or other descriptive or identifying term shall be written in).

....

## LCR 98.16 SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS

### (a) *Representation.*

(1) **Working Copies Papers.** Working copies of reports of the settlement guardian ad litem, independent counsel, and of the general guardian in regard to the proposed settlement shall be provided to the Ex Parte and Probate Department not later than seven days preceding the hearing. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

(2) **Ex Parte and Probate Department to Hear.** All matters requiring the attention of the Court shall be presented to the Ex Parte and Probate Department.

....

## LCR 98.20 GUARDIANSHIPS AND TRUSTS

....

**(b) *Service and Filing of Reports (Initial Appointment).*** The report of the guardian ad litem, medical or psychological report, proof of service and other documents offered in support of the petition or in anticipation of the hearing shall be served and filed not less than ~~seven~~ 15 days in advance of the hearing date. Working copies of the guardian ad litem report, medical or psychological report, and any additional affidavits shall be submitted to the Ex Parte and Probate Department, or the appropriate hearing judge or commissioner, ~~served upon the Ex Parte and Probate Department or judges' mail room of the appropriate case assignment area~~ not later than ~~seven~~ 15 days preceding the hearing. Response documents including briefs, if any, must be filed with the clerk, ~~and~~ copies must be served on all parties, and working copies must be submitted delivered to the Ex Parte and Probate Department, or the appropriate hearing judge or commissioner, ~~or to the judges' mail room of the appropriate case assignment area~~ no later than noon four court days prior to the hearing time. Documents in strict reply thereto shall be similarly filed and served no later than noon two court days prior to the hearing. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. The upper right hand corner of all working copies shall be marked "working papers" and the name of the calendar, the date and time of the hearing, and by whom these documents are being presented ("moving party," "opposing party," or other descriptive or identifying term).

....

**(d) *Reports and Accountings and Contested or Noted Matters.*** Periodic reports and accountings required of guardians and trustees and other contested or noted matters shall be filed and noted for hearing at least 14 days before the scheduled date. Working copies of all reports, accountings, and contested matters otherwise noted or requiring notice must be ~~delivered~~ submitted to the Ex Parte and Probate Department, or the appropriate hearing judge or commissioner, ~~judges' mailroom of the appropriate case assignment area~~ not later than ~~seven~~ 14 days preceding the hearing. Response documents, including briefs, if any, must be filed with the clerk and copies served on all parties and ~~delivered~~ submitted to the Ex Parte and Probate Department, or the appropriate hearing judge or commissioner, ~~judges' mailroom of the appropriate case assignment area~~ no later than noon four court days prior to the hearing time; documents in strict reply thereto shall be similarly filed and served no later than noon two court days prior to the hearing. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. The upper right hand corner of all working copies shall be marked "working papers" and the name of the calendar, the date and time of the hearing, and by whom these documents are being presented ("moving party," "opposing party," or other descriptive or identifying term) shall be written in.

....

The following proposed change to LGR 15 is compared to the version passed on an emergency basis effective January 1, 2009:

## **LGR 15. DESTRUCTION, SEALING, AND REDACTION OF COURT RECORDS**



**(a)(c) Sealing or Redacting Court Records.**

**(1) Motions to Destroy, Redact or Seal.** Motions to destroy, redact or seal all or part of a civil or domestic relations court record shall be presented, in accordance with GR 15 and GR 22, to the assigned judge or if there is no assigned judge, to the Chief Civil Judge, with the following exceptions.

**(1)(A) Guardianship and Trusts:** (Title 11) Motions may be presented to any regularly sitting (but not a pro tem) ~~Eex Pparte~~ Ceommissioner, ~~without oral argument, through the Clerk's office.~~

**(2)(B) Vulnerable Adult Protection Order:** (RCW 74.04) Motions may be presented to any regularly sitting (but not a pro tem) ~~Eex Pparte~~ Ceommissioner.

**(3)(C) Minor/Incapacitated Settlement:** The motion shall be presented to the judicial officer who approved the minor settlement unless the judicial officer who approved the minor settlement is a pro tem commissioner, in which case the motion shall be brought before the assigned judge or any regularly sitting Ex Parte Commissioner ~~an appointed commissioner.~~

**(4)(D) Name Changes Based on Domestic Violence:** If no assigned judge, motion may be presented by the requesting party to any regularly sitting (but not a pro tem) Ex Parte Commissioner.

**(5)(E) Financial Source Documents, Personal Health Care Records and Confidential Reports in Title 26 Cases:** In a proceeding brought pursuant to RCW 26, "financial source document", "personal health care record" and "confidential report" as defined under and submitted in accordance with GR 22 will be automatically sealed by the clerk without court order, if accompanied by the proper cover sheet. See, also, LFLR 5(c) and LFLR 11 with respect to family law court records in general.

**(b)(2) Orders to Destroy, Redact or Seal.** Any order containing a directive to destroy, redact or seal all or part of a court record must be clearly captioned as such and may not be combined with any other order; the clerk's office is directed to return any order that is not so captioned to the judicial officer signing it for further clarification. See also LCR 26(c), LCR 79 (d)(6), LFLR 5(c) and LFLR 11. The clerk is directed to not accept for filing and to return to the signing judicial officer any order that is in violation of this order.

**(3) Motions to Seal/Redact Filed Contemporaneously with Confidential Document(s).**

**(A) Contemporaneously with filing the motion to seal, the moving party shall provide the following as working copies:**

**(i) the original unredacted copy of the document(s) the party seeks to file under seal to the hearing judge in an envelope for in camera review. The words "SEALED PER COURT ORDER DATED [insert date]" shall be written on the unredacted document(s). The following information shall be written on the envelope:**

**The case caption and cause number; a list of the document(s) under review; and the words "SEALED PER COURT ORDER DATED [insert date]."**

**(ii) a proposed redacted copy of the subject document(s).**

(iii) a proposed order granting the motion to seal, with specific proposed findings setting forth the basis for sealing the document(s).

(B) If the hearing judge denies the motion to seal, the judge will file the original unredacted document(s) unsealed with an order denying the motion. The words “SEALED PER COURT ORDER FILED [insert date]” will be crossed out on the unredacted document(s).

(C) The unredacted document(s) shall not be filed electronically. If submitted through the Clerk’s Working Copies Application, the unredacted document(s) will be placed, by the Clerk’s Office, in an envelope as described above.

(D) If the hearing judge grants the motion to seal, in whole or in part, the judge will file the sealed document(s) contemporaneously with a separate order granting the motion. If the judge grants the motion by allowing redaction, the judge shall write the words “SEALED PER COURT ORDER DATED [insert date]” in the caption of the redacted document before filing.

~~(e)~~(e) Motions to Unseal or Examine. See LCR 77(i)(11) with respect to motions to unseal or examine a sealed court record.

## **LGR 18. Jury Assignment Area**

(e) Location for Jury Assignment Areas for Civil and Criminal Cases Filed in King County.

(1) *Designation of Jury Assignment Areas.* The jury source list shall be divided into a Seattle jury assignment area and a Kent jury assignment area that consist of registered voters and licensed drivers and identicard holders residing in each jury assignment area. The area within each jury assignment area shall be identified by zip code and documented on a list maintained by the chief administrative officer for the court.

(2) *Where Jurors Report.* Individuals receiving a jury summons shall report for service to the Court facility in the jury assignment area identified on the face of the summons.

(3) *Adjustment of Jury Assignment Area Boundaries.* The jury assignment areas contained in this rule may be adjusted by the administrative office of the courts based on the most current United States census data at the request of the majority of the judges of the superior court when required for the efficient and fair administration of justice.

### **Comment**

This rule implements RCW 2.36.055, which allows the jury source list in King County to be divided into jury assignment areas that consist of registered voters and licensed drivers and identicard holders residing in each jury assignment area. The purpose of the statute and this rule is to lessen the burdens borne by jurors in traveling long distances to attend court proceedings by narrowing the geographic area from which jurors are drawn while maintaining a random and proportionate jury pool.

**\*\*\*NEW RULE\*\*\***

## **LGR 30 MANDATORY ELECTRONIC FILING**

### **(b) Electronic Filing.**

**(5) Electronic Filing Is Mandatory.** Effective July 1, 2009, unless this rule provides otherwise, attorneys shall electronically file (e-file) all documents with the Clerk using the Clerk's e-filing system or an electronic service provider that uses the Clerk's e-filing system. Pro se parties are not required to e-file documents.

**(A) Documents That Shall Not Be E-Filed.** Exceptions to mandatory e-filing include the following documents:

- (i) Original wills and codicils, including new probate cases that include original wills or codicils;
- (ii) Certified records of proceedings for purposes of appeal;
- (iii) Documents of foreign governments under official seal including foreign and out of state adoption documents;
- (iv) Documents presented for filing during a court hearing or trial;
- (v) Documents for filing in an Aggravated Murder case; and
- (vi) Documents pertaining to cases filed prior to January 1, 2000;:
- (vii) Administrative Law Review (ALR) Petitions; and
- (viii) Interpleader or Surplus Funds Petitions.
- (ix) Documents submitted for *in camera* review, including documents submitted pursuant to LGR 15.

The above-excepted documents must be filed in paper form.

Comment: Negotiable instruments, exhibits, and trial notebooks are examples of items that are not to be filed in the court file either in paper form or by e-filing.

**(B) Documents That May Be E-Filed.** The following documents may be e-filed:

- (i) Voluminous Documents—Voluminous documents of 100 pages or more may be e-filed or filed in paper form.
- (ii) Summary Judgment Motions—Summary judgment motions and supporting documents may be e-filed or filed in paper form.
- (iii) Trial by Affidavit Motions – Motions set on the Trial by Affidavit Calendar and supporting documents may be e-filed or filed in paper form.

**(C) Working Copies for E-Filed Documents.** Judges' working copies for e-filed documents may be electronically submitted to the Clerk using the Clerk's e-filing system and pursuant to LCR 7 unless this rule provides otherwise. The Clerk may assess a fee for the electronic delivery of working copies. Working copies must not be electronically submitted for the following documents:

- (i) Voluminous Documents—Judges' working copies of documents 100 pages or more in length shall be submitted in paper form only. Working copies shall be delivered pursuant to LCR 7, LFLR 6 or the applicable rule for that case type.
- (ii) Summary Judgment Motions—Judges' working copies of summary judgment motions shall be submitted in paper form pursuant to LCR 7.
- (iii) Trial by Affidavit Motions – Working copies for motions heard on the Trial by Affidavit Calendar shall be submitted in paper form pursuant to LCR 7.

**(D) Waiver of the Requirement to E-File.** If an attorney is unable to e-file documents, the attorney may request a waiver. The attorney must explain why he or she needs to file paper documents in that particular case. The Clerk will make waiver request forms available. The Clerk will consider each application and provide a written approval or denial to the attorney. The waiver may be for a specific case or for a specific period of time determined by the Clerk. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who have received a waiver shall place the words “Exempt from e-filing per waiver filed on (date)” in the caption of all paper documents they file for the duration of the waiver.

**(E) Non-Compliance With This Rule.** If an attorney files a document in paper form and does not have an approved waiver from e-filing, the Clerk will assess a fee against the attorney pursuant to King County Code 4.71.100 for each paper document filed.

## **LFLR 5. WHERE TO SCHEDULE MOTIONS IN FAMILY LAW PROCEEDINGS.**

....

***(b) Where to Schedule Motions; General Rule.*** Except as otherwise provided in these rules, contested pre-trial and post-trial motions in family law proceedings, including non-marital relationships involving parenting and/or the distribution of assets/liabilities, shall be heard on the Family Law Motions Calendar. See LFLR 6 for Family Law Motions Calendar Procedures. Agreed orders and orders to show cause ~~are generally heard on the~~ shall be presented without oral argument to the Ex Parte Calendar and Probate Department through the Clerk’s office. ~~on a walk-in basis.~~

***(c) Where to Schedule Specific Types of Motions; Exceptions to General Rule [LFLR 5(b)].*** The following specific types of Family Law Motions are to be scheduled as follows:

**(1) Entry of Agreed and Default Final Decrees Parenting Plans and Nonparental Custody Orders:** Uncontested actions for ~~final Decrees of m~~ Marriage ~~d~~Dissolution, ~~Legal s~~Separation ~~or and i~~Invalidity ~~decrees and non-parental custody decrees as well as all Final Parenting Plans or Residential Schedules and Final~~ Dissolution of Domestic Partnership Orders ~~may shall~~ be presented ~~for final hearing in~~ to the Ex Parte ~~and Probate~~ Department ~~by noting the motion~~ on the uncontested dissolution calendar on at least fourteen (14) days notice, ~~provided that, the matter need not be noted for hearing when presented by an attorney of record, who as an officer of the court, has signed and filed a certificate of compliance in the form prescribed by the court.~~ At least one party shall appear to provide oral testimony or formal proof with respect to entry of a final decree of dissolution, legal separation or invalidity unless a final parenting plan with respect to all dependent children of the relationship has already been entered or there are no dependent children of the relationship and the final proposed orders are presented by an attorney, in which case the final orders may presented through the Clerk’s Office pursuant to LR 40.1 and shall be accompanied by the certificate of compliance as well as a declaration under penalty of perjury signed by one of the parties within the last 30 days stating that the wife is not pregnant and there are no dependent children of the

relationship. The declaration shall be in substantially the same form as set forth in Appendix 1 and shall be available online at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk). The fourteen (14) day notice requirement for final hearings shall not apply to agreed decrees of dissolution, separation or invalidity when presented by an attorney of record, who as an officer of the court has signed a certificate of compliance in the form prescribed by the Court. The certificate shall be filed at the time the decree is entered. The fourteen (14) day notice requirement does apply to nonparental custody decrees. An uncontested nonparental custody decree may also be presented for final hearing at the time of the Mandatory Case Review hearing (as set forth in the Case Schedule). All final non-parental custody orders entered by agreement or default shall be presented on the uncontested dissolution calendar on at least 14 days notice, whether or not the parties are represented by counsel, provided that they may also be presented at the time of the Mandatory Case Review hearing (as set forth in the Case Schedule).

**APPENDIX I- Model Form Declaration in lieu of Formal Proof for Decree of Dissolution, Invalidity or Legal Separation**

SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING

In Re the Marriage of:

\_\_\_\_\_, NO.  
Petitioner,

And \_\_\_\_\_ DECLARATION IN LIEU OF FORMAL  
PROOF

\_\_\_\_\_,  
Respondent.

REQUEST: The ☐ petitioner ☐ respondent requests immediate entry of Findings of Fact, Conclusions of

Law and Decree without the necessity of a personal appearance , and states:

RESIDENCE: Either the petitioner or respondent was a resident of the State of Washington or was a member of the Armed Forces and was stationed in the State of Washington when the petition was filed.

90 DAY WAITING PERIOD: If this is a dissolution of marriage, the marriage is now irretrievably broken and more than 90 days have elapsed since the later of

\_\_\_\_\_,  
20\_\_\_\_\_, the date on which the Petition was filed, and \_\_\_\_\_,

20\_\_\_\_\_, the date:

☐ the respondent signed an acceptance of service.

☐ the summons and petition were personally served upon the respondent.

☐ the summons and petition were mailed pursuant to an order for service by mail.

☐ the summons was first published pursuant to an order for service by

publication.

DEFAULT: The respondent is \_\_\_\_\_ is not \_\_\_\_\_ in default.

MARRIAGE :The parties were married on \_\_\_\_\_, 20\_\_\_\_, at [city, state]

\_\_\_\_\_ and separated on \_\_\_\_\_, 20\_\_\_\_.

PREGNANCY: The wife is not now pregnant.

CHILDREN: The following children have been born to or adopted by either party:

Name	Date of Birth	Father of child	Mother of child
------	---------------	-----------------	-----------------

DEPENDENT CHILDREN: [SELECT ONE]:

☐ A final parenting plan has been entered for all dependent children of the marriage.

☐ There are no children under the age of 18 years of age born to or adopted by the wife or who are otherwise dependent upon the wife, or, all such children were born before the marriage and have not been adjudicated or acknowledged to be the husband's child.

PROPERTY: All property and all debts of the parties are fairly and completely divided in the Decree.

DEFAULT : If entry of the Decree is sought after default of the Respondent, the Decree provides for only that relief requested in the petition.

PERJURY : I declare under penalty of perjury under the laws of the State of Washington that this foregoing is true and correct.

Dated: \_\_\_\_\_, 20\_\_\_\_.

[Signed] \_\_\_\_\_ at \_\_\_\_\_, Washington

Presented by: [Signed] \_\_\_\_\_

Bar Number: \_\_\_\_\_

Approved, notice of presentation waived:

[Signed] \_\_\_\_\_

....

**(6) Motions to Vacate Orders.**

(A) An agreed order to vacate an order ~~may~~ shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office, unless the effect of the order would be to reinstate a case that has been dismissed or where the trial date has passed, in which case the agreed order shall be presented pursuant to LR 60.

(B) An agreed order to vacate a Clerk's dismissal so that parties may enter final orders ~~may~~ shall be presented without oral argument to the Ex Parte and Probate Department through the Clerk's office.

....

**(8) Motions for Reconsideration.** See LCR 7(b)(5)59.

**(9) Motions for Default Orders and Default Judgments.**

(A) When notice is not required, motions for default orders and judgments shall be ~~heard in~~ presented without oral argument to the Ex Parte and Probate Department through the Clerk's office. If notice to an opposing party is required (for example, when an appearance but no answer has been filed), motions for default orders

and judgments shall be noted on the family law motions calendar in accordance with LFLR 6.

(B) Appearance by Responding Parties without Filing a Response. If a party has appeared in the proceeding, but not filed a Response to the Petition, any other party may move for an Order of Default on the Family Law Motion Calendar, to be presented without oral argument through the Clerk's office. Upon entry of the Order of Default, the evidence may be reviewed and a default judgment (including an order setting support) may be entered in the Ex Parte and Probate Department.

....

## **LFLR 6. FAMILY LAW MOTIONS CALENDAR PROCEDURES.**

(a) *Applicability*. This rule applies to the family law motions calendar only and does not apply to motions before judges.

(b) *Notice and Hearing*.

....

(2) The original of the motion together with all supporting documents (including briefs, affidavits and/or declarations pursuant to RCW 9A.72.085) must be filed with the Clerk and copies served on all parties at least fourteen (14) calendar days before the date of the hearing. Response documents including briefs, if any, must be filed with the Clerk and copies served on all parties no later than ~~by~~ noon four (4) court days prior to the hearing time; and documents in strict reply thereto shall be similarly filed and served no later than ~~12:00~~ noon two (2) court days prior to the hearing.

(3) An additional "working copy" of all documents shall be ~~delivered~~ submitted to the Family ~~Court~~ Law Motions Coordinator no later than noon three (3) court days prior to the hearing, except that documents in strict reply may be ~~delivered~~ submitted by noon two (2) court days prior to the hearing. ~~Parties shall clearly label the upper right hand corner of each copy delivered to the Family Law Motions Coordinator with the words "Working Papers" and the name of the calendar, the hearing date and time, and whose papers they are ("moving party", "opposing party" or other descriptive or identifying term).~~ For any motion which requests the modification, adjustment, clarification, enforcement (including contempt), reconsideration or vacation of an earlier order, the working copies ~~papers~~ shall include a copy of the earlier order. Working copies shall be submitted to the Family Law Department pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

....

(c) *Confirmations*.

(2) Motions cannot be confirmed in person, by telephone or via the website unless the moving party's working copies ~~papers~~ have been received ~~in~~ by the Family Law Department.

....

(e) *Limitations on Declarations*.

....

(3) **Formats:**

(A) All motions shall follow LCR 7 and LCR 10 to the extent they are not inconsistent with this rule, and use the forms required by LFLR 3.

(B) All filed documents and copies provided as working copies “Working Papers” and served on other parties and attorneys shall be legible. If typed or computer printed, documents shall be in 12 point or larger type, double-spaced between the lines and conform to LR 10.

....

**(f) *Time for Argument.***

....

(2) By written stipulation of all parties, any motion except a motion for contempt may be set without oral argument.

(A) Motions heard without oral argument shall be set for a specific date and are subject to the same requirements (including confirmation) as other motions.

(B) Each party shall provide working copies ~~papers~~ including a proposed order(s) and shall timely serve the opposing party. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. Parties submitting working copies in paper form shall also conspicuously include mark working papers with the words “Without Oral Argument” in the upper right hand corner of each document and ~~The moving party the moving party~~ shall provide stamped envelopes addressed to each party/counsel. ~~and each party shall provide a proposed order(s) with the working papers.~~

(C) The commissioner may order the parties to appear for argument.

**(g) *Special Settings.***

**(1) Additional time for argument.** A request for a special setting for oral argument that will require more than five minutes per side, or for other special settings shall be made in writing addressed to the Family Law Motions Coordinator.

(A) The request should state the extraordinary features of the case and explain why additional time for oral argument is needed. The request should state the length of time requested, and whether the other parties agree with the request. The written request shall include working copies of the motion and supporting documents, and all responses received.

(B) The written request shall be filed with the Clerk and working copies shall be submitted ~~delivered~~ to the Family Law Coordinator, and served on all other parties at least six (6) court days prior to the scheduled hearing date. Any response to the request shall be similarly filed and delivered to the Coordinator and other parties by noon at least two (2) court days prior to the scheduled hearing date. Replies are not permitted. Working copies shall be submitted to the Family Law Department pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

....

**LFLR 14. CHILD SUPPORT AND SPOUSAL MAINTENANCE  
MODIFICATIONS AND ADJUSTMENTS.**

....

**(c) *Motions.***

**(1) Pre-trial Motions re Support-only Modifications.** All pre-trial motions relating to support-only modifications, including motions to change the trial



date, to permit testimony, or relating to discovery, shall be decided on the Trial by Affidavit Calendar without oral argument. Motions shall be noted for hearing fourteen (14) or more days in advance. The procedure for such motions shall conform to LCR 7 and LFLR 6 to the extent not inconsistent with this rule. There is no requirement to confirm such motions. Motion documents shall be filed with the Clerk and working copies shall be provided to the court. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule, with an additional copy marked "working papers" delivered to the clerk's e-filing web site for e filed documents or for hard copy documents, the Working copies submitted in paper form must be delivered to the Trial by Affidavit mailbox in the judges' mailroom of the Courthouse where the matter will be heard.

....

**(d) *Method of Disposition of Support Modification Proceedings.***

....

(2) Proposed Orders. The petitioning party is obliged to provide proposed findings of fact and conclusions of law, child support worksheets, and orders to the other parties and the court not later than the time of trial. The proposed orders shall not be filed with the clerk. Working copies of the proposed orders for the judge shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. If the petitioner is not present and has not presented proposed orders, the matter may be dismissed.

....

(7) Trial by Affidavit Procedure. Parties shall file the originals of all documents to be considered with the Clerk. Settings on the Trial by Affidavit Calendar must be confirmed by the delivery submission of a copy of these materials either in paper form to the Trial by Affidavit mailbox at the courthouse where the matter will be heard or electronically through the Clerk's e-filing system by the deadline in the case schedule. Each party to the proceeding will have a maximum of ten (10) minutes, including rebuttal, to present oral argument to the court. No new evidence may be offered at the time of trial unless stipulated by the parties or authorized by the court for good cause shown. Parties may attend the trial by telephone, provided that prior arrangements have been made with the court. A party is not obligated to attend the hearing.

....

**LFLR 15. RELOCATION OF CHILDREN.**

....

**(b) *Presentation of Proposed Parenting Plan.*** In the absence of an objection, but no earlier than thirty (30) days after the relocating party has served a proposed parenting plan on the person entitled to residential time with the children, any party to the relocation action may present the relocating party's proposed parenting plan to the Ex Parte and Probate Department through the Clerk's office for entry.

**\*\*\*NEW RULE\*\*\***

**LFLR 18. EMANCIPATION OF MINORS.**

Petitions for Emancipation of a Minor shall be noted before the Chief Unified Family Court Judge, who may refer the matter to Family Court Services for investigation.

**\*\*\*NEW RULE\*\*\***

**LFLR 19. MARRIAGE AGE WAIVER PETITIONS.**

Petitions for Waiver of Marriage Age shall be noted before the Chief Unified Family Court Judge, who may refer the matter to Family Court Services for investigation.

**LCrR 5.1 COMMENCEMENT OF ACTIONS; CASE ASSIGNMENT AREA**

***(d) Location for Court Proceedings for Criminal Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.***

....

**(4) Where Pleadings and Documents Filed.** Pursuant to LGR 30, all pleadings and documents for any criminal action in King County must be electronically filed with the Clerk using the Clerk's e-filing system. Documents identified as exceptions to mandatory e-filing ~~Pleadings and documents in paper form for any criminal action in King County shall~~ must be filed in paper form with the Clerk of the Superior Court at the court facility in the case assignment area of the case. ~~Documents filed in electronic form, pursuant to GR 30, must be filed in a manner prescribed by the Clerk.~~ Service of documents on the Prosecuting Attorney and the defendant's attorney shall be made at the office of the Prosecutor and defense attorney located in the case assignment area of the case at the time of service.

....

**LCrR 7.1 PRESENTENCE INVESTIGATION**

**(a) When Required; Time of Service.** Unless otherwise directed by the court, in all cases where a person is to be sentenced for commission of a felony, the prosecuting attorney and the defendant's attorney shall, not less than three days before the sentencing date, serve a copy of his/her presentence report upon the opposing party and the original to the sentencing judge. The Department of Corrections shall serve a copy of its report when ordered upon the prosecuting attorney and the defense attorney and the original to the sentencing judge not less than three days before the sentencing date.

**(b) Penalties for Violation.** A violation of this rule may result in the refusal of the court to proceed with the sentencing until after reports have been filed as directed herein, and in the imposition of terms; or the court may proceed to impose sentence without regard to the violation.

(c) **Working Copies.** Any party requesting that the court impose an exceptional sentence shall serve a working copy of the proposed findings in support of the request for an exceptional sentence to the court and opposing counsel no later than seven days before the date scheduled for sentencing. Working copies shall be submitted pursuant to LCR 7(b) to the extent not inconsistent with this rule.

### **LJuCR 3.2 WHO MAY FILE PETITION--VENUE**

(a) **Who May File.** Any person may file a petition alleging dependency.

(b) **Venue.** The petition shall be filed in the county where the juvenile is located or where the juvenile resides.

(c) **Location for court proceedings for dependency actions filed in King County; filing of documents and pleadings and designation of case assignment area.**

....

(4) **Where Pleadings and Documents Filed.** Pursuant to LGR 30, all pleadings and documents in paper form for any dependency proceeding in King County shall must be electronically filed with the Clerk of the Superior Court using the Clerk's e-filing system. Documents identified as exceptions to mandatory e-filing must be filed in paper form at the court facility in the case assignment area of the case. Documents filed in electronic form, pursuant to GR 30, must be filed in a manner prescribed by the clerk. Working copies must be provided for the judge pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule. ~~must be delivered to the clerk's e-filing web site court facility where the judge is assigned.~~

(5) **Inclusion of Case Assignment Area Code.** All pleadings and documents shall contain after the cause number the case assignment area designation code assigned by the Clerk for the case assignment area in which court proceedings are to be held. The Clerk may reject pleadings or documents that do not contain this case assignment area code.

....

### **LJuCR 3.8 DISPOSITION HEARING**

....

(b) **Agency Reports.**

(1) The petitioner or supervising agency and CASA shall submit a report regarding a long range plan in accordance with RCW 13.34.120 and .130 clearly stating goals for the next six months. The parent, guardian, or legal custodian may also file a report to aid the court in disposition. In those disposition hearings set before a particular Judge, working copies of all reports shall be provided to the bailiff for that Judge two court days prior to the hearing. Judicial working copies shall be submitted pursuant to LCR 7(b) to the extent not inconsistent with this rule. Copies shall be served on counsel and parties six court days prior to the disposition hearing. Unless otherwise ordered by the Court, no written response is required. However, if provided, it shall be served two court days prior to the hearing.

(2) No report shall be submitted to the Court prior to the fact- finding hearing, but shall be served on the parties and counsel as required by this section.

....

### **LJuCR 3.9 REVIEW OF DEPENDENCY ORDER**

**(a) *Dependency Review Hearings.*** The status of all dependent children must be reviewed by the Court at least every six months from the beginning date of placement episode or the date dependency is established, whichever is first. "Current placement episode" means the period of time that begins with the most recent date the child was removed from the home of the parents, guardians or legal custodian for purposes of placement in out-of-home care and continues until the child returns home or an adoption decree or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. Removal of the child from the home by means of a written voluntary consent to place agreement or a Child in Need of Services or At-Risk Youth proceeding initiates a "placement episode." Initial progress review hearings will be per the procedure set out in LJuCR 3.9(b) ~~(c) Non-contested dependency review hearings will be per the procedure set out in LJuCR 3.9(c);~~ Contested review hearing motions will be per the motion procedure set out in LJuCR 3.10 and permanency planning hearings will be per the procedure set out in LJuCR 3.9(d).

**(b) *Initial Progress Review.*** The first dependency review hearing held after dependency is initially established shall be an in-court review and shall be set within six months from the beginning date of the placement episode and no more than ninety ("90") days from entry of the dispositional order, whichever comes first. The initial review may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134, or when otherwise appropriate. The review shall include findings required by RCW 13.34.138.

**(1) Scheduling an Initial Progress or Dependency Review.** Cases set for an initial progress review or dependency review hearing shall be heard ~~on the permanency planning review calendar~~ as follows: The petitioner shall set the case for hearing ~~at the time of the entry of the dispositional order~~ by obtaining an open date from the Court coordinator, Liaison Unit, or private agency coordinator or by the Court scheduling the initial progress review hearing on its own motion and order.

#### **(2) Reports and Contested Issues.**

(A) In all cases set for an initial progress or dependency review hearing, the person or agency supervising the dependency will submit a written report and proposed order to all parties and the Court not less than 14 days prior to the scheduled initial progress review hearing. Cases in which the report and proposed order are not timely provided will be stricken from the calendar and reset by an order providing a new initial progress review hearing date. Responsive reports of parties not in agreement with the supervising agency's proposed court order must be provided to the supervising person or agency, all other parties, and the Court at least seven days prior to the hearing. Documents in strict reply, if any, shall be served no later than noon of the second court day prior to the hearing.

(B) Any party wishing to request a modification of the dispositional order, or request additional relief from the Court shall utilize the procedures set out for motions in LJuCR 3.10. Failure to do so will prevent that party from being heard on the contested issue

at the initial progress review hearing. If during the course of a hearing, a contested issue arises that could not have been reasonably anticipated by the affected party or their counsel, the Court may consider the contested issue or continue the hearing.

(C) **Working Copies.** Working copies of Reports, Contested motions, and Proposed Orders shall be submitted to the court coordinator, and held by the DSHS Court Liaison Unit or private agency coordinator. All reports, motions and proposed orders shall be provided to the Court by the DSHS Court Liaison Unit or private agency coordinator by noon of the second court day prior to the hearing.

(3) **Hearings.** All initial progress review hearings shall be in-court hearings and the court will make findings as required by RCW 13.34.138, regarding the agency's and parents' efforts to demonstrate consistent measurable progress over time in meeting the dispositional plan requirements.

~~(c) **Non-Contested Calendar.** There shall be a non-contested calendar for all matters in which an adversarial proceeding or a verbatim record of proceedings is not required.~~

~~(1) **Matters Heard.**~~

~~(A) The following matters shall be set on the non-contested calendar:~~

~~(i) All dependency review hearings unless contested.~~  
~~(ii) Motions to dismiss dependency at any stage of the proceeding unless contested.~~

~~(iii) Shelter care hearings with affidavits of no change.~~

~~(B) Agreed orders of dependency, dependency disposition, guardianship, termination of parental rights by relinquishment, continuance and such other agreed orders as may be arrived at by the necessary parties may be submitted to the non-contested calendar unless the case has been retained by a particular Judge. Parties may also submit agreed orders to the Presiding Department on the scheduled fact-finding date in those cases set there for trial assignment.~~

~~———— (2) **Scheduling a Review Hearing.** A matter is set on the non-contested calendar as part of an order entered at a previous hearing or review, by a party obtaining an open date from the DSHS Court Liaison Unit or private agency coordinator and providing notice to all other parties, or by the Court scheduling the review hearing on its own motion and order.~~

~~(3) **Review Intervals.** All cases in which dependency has been established shall be scheduled for a non-contested review hearing at not more than five months from the previous hearing or review. This will provide for a review hearing within six months of all matters, including those transferred to the contested calendar.~~

~~(4) **Filing Dependency Review Reports for Non-Contested Calendar.** A written review report and a proposed dependency review order shall be prepared by the supervising agency. They shall be provided to all parties, such as the parents, attorneys, CASA, child and the Court, not less than 14 days prior to the scheduled review hearing and shall be held by the DSHS Court Liaison Unit or private agency coordinator until noon of the day before the scheduled hearing for review and signature by the parties. When the agency report and proposed order have been provided in a timely manner, and no contested dependency review motion has been filed by any party up to three days prior to the scheduled review date, the agency report and proposed order, and any additional~~

~~submissions by any party, shall be submitted to the Court for determination. Cases in which the agency report and proposed order are not timely provided will be stricken from the calendar and reset by an order providing a new review hearing date on the non-contested calendar. Proposed judicial additions to the order will be circulated to the necessary parties. If agreed upon, they will be added to the order and initialed by the parties. If not agreed upon the matter will be set on the contested calendar for a contested motion hearing. Orders that are agreed upon, or not contested, shall be entered upon judicial approval.~~

**~~(5) Transfer to the Contested Motion Calendar by a Party.~~**

~~(A) Any party disputing all or part of the proposed plan for the ensuing review interval may transfer the matter to the contested motion calendar as per the procedures set forth in LJuCR 3.10 below.~~

~~(B) The contested dependency review motion shall be filed not later than three days prior to the scheduled non-contested hearing date or the Court may consider and enter the proposed non-contested order as per subsection 4 above.~~

~~(C) The Court Liaison or private agency coordinator will transfer the agency report and proposed order to the Court for consideration prior to the contested motion.~~

~~(D) If the contested motion is set for a date that is more than six months from the date of placement or the entry of a previous full dependency review order as determined by the date of the Judge's signature, an order maintaining the status quo will be prepared by the Court Liaison or private agency coordinator for entry pending the contested motion hearing.~~

~~(E) The inability of an attorney to contact his or her client will not be deemed a basis to transfer a matter to the contested calendar. If desired, counsel may file a written statement as to non-contact as a basis for non-agreement, but the matter will be deemed non-contested.~~

~~\_\_\_\_\_ (6) Transfer to Contested Motion Calendar by Court. The Court may transfer any matter to the contested motion calendar on its own motion at any time. This shall be done by an order specifying the reason for the transfer to the contested motion calendar and maintaining the status quo, if necessary. This may occur when:~~

~~(A) There is an apparent need for the presence of a party or for additional information as required by the Court;~~

~~(B) The Court intends to adopt a plan for the ensuing review interval which varies substantially from that proposed by the supervising agency or parties; or~~

~~(C) To review the failure of the supervising agency or other party to submit written reports and/or a proposed order in a timely manner and to consider what, if any, steps should be taken by the Court to ensure future compliance.~~

~~(7) Nature of Non-Contested Review Hearing. The non-contested review calendar shall be heard by the Court with such staff as is deemed necessary. A Clerk need not be present, nor will there be a verbatim reporting of the proceeding. The record of the review hearing shall be by notation on the daily calendar of cases and by entry of an order in each matter reviewed on the calendar. Orders shall reflect the names of all parties present and the action ordered by the Court.~~

~~(8) **Persons Present at Non-Contested Review Hearings.** The Court may request that a representative of the supervising agency attend the non-contested hearing, in addition to necessary staff. If pro se parties appear for a non-contested hearing, court personnel or the Court Liaison shall advise them of the right to an attorney and of the method for setting a contested motion hearing. Parties may waive these rights and agree to the entry of the non-contested order by signing the order.~~

~~(9) **Continuances.** Continuances will be prepared and entered at the request of the parties to the case, subject to Court approval, or by the Court Liaison or private agency coordinator when the agency report and proposed order have not been submitted in a timely manner. Continuances for lack of a timely report or proposed order shall so state and shall further specify if there have been previous continuances of the pending hearing for the same reason.~~

~~(10) **Review by the Court.** When the supervising agency's report and proposed order has been submitted to necessary parties in a timely manner and no contested dependency review motion has been filed three days prior to the scheduled non-contested review hearing, an order will be entered subject to judicial approval reflecting the recommendations of the supervising agency. No order shall be entered prior to 10:30 AM of the day on which the non-contested review hearing is actually set.~~

~~(11) **Calendar Review.** Representatives of the Court and impacted agencies shall meet periodically to review these procedures.~~

**(d) *Permanency Planning Review Hearing.***

....

**(1) *Scheduling.*** Cases shall be set for an in-court review hearing on the permanency planning review calendar-as follows:

(A) The agency supervising the placement of the child shall set the case for hearing at the time of the entry of the previous initial progress or dependency review order, ~~non-contested dependency review order~~, or dependency disposition order when the ensuing review date will fall within the time periods set forth above. All permanency planning review hearings will be set at least 30 days before the expiration of the time period to allow time for continuances or contested motions as necessary.

(B) Any party, including the supervising agency, may move to set a case for a permanency planning review hearing to ensure that such a review is held within the time periods specified in RCW 13.34.145. A party may move to set a case for permanency planning review hearing at other times only upon a showing that the circumstances of the case warrant such review. The matter shall be set on the permanency planning review calendar by the moving party obtaining an open date from the ~~DSHS Court Liaison Unit or private agency coordinator~~ court coordinator and providing all other parties with at least 14 days' notice of the hearing.

(C) The Court on its own motion and order may set a case for permanency planning review hearing at any time during the dependency. The parties to the dependency shall be provided with at least 14 days' notice of the hearing.

....

**(3) *Hearings.***

(A) All permanency planning review hearings shall be in-court hearings to be set on a regular calendar and with such procedures as shall be established by the Court. At the hearing, the Court will review the reports and proposed orders and

determine if the permanency plan of care for the child proposed by the supervising agency or moving party is appropriate and to clarify such issues as may be raised by the parties to the hearing. The Court shall make findings as required by RCW 13.34.145.~~-(1) approve and order the implementation of the supervising agency's primary or alternative permanency plan of care for return of the child to the home of the child's parent, guardian or legal custodian; adoption; guardianship; permanent legal custody; long term relative or foster care with a written agreement, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program and independent living if the child qualifies pursuant to RCW 13.34.145; (2) modify the supervising agency's permanency plan of care or approve a different permanency plan of care and order its implementation, or (3) order the filing of a guardianship petition, if a proposed guardian for the child is available, or a termination petition. ER 1101(c)(3) applies to these hearings.~~

(B) The Court shall (1) order the child returned home only if the Court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists, or (2) order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan adopted by the Court. Nothing in this rule may be construed to limit the ability of the supervising agency to file a petition for termination of parental rights or a dependency guardianship petition at any time following the establishment of dependency.

....

**(e) *Retention of Jurisdiction.*** A Judge hearing a dependency proceeding may elect to retain jurisdiction of the matter for future dependency hearings on the motion of a party or the Court's own motion. All orders entered in the proceeding shall specify that jurisdiction has been retained until such time as it is released by the Court. All time periods set forth in these rules and the applicable statutes shall be complied with by the parties and Court. All procedures for hearings and motions shall be substantially complied with by the parties and Court, except that hearings and motions shall be set with the retaining Judge's bailiff instead of the Court Clerk., ~~Court Coordinator's Office, the Court Liaison Unit or private agency coordinator.~~ In the event an emergency hearing or motion is necessary and the retaining Judge is not available, the moving party shall set the hearing or motion on the appropriate calendar in accordance with these rules.

### **LJuCR 3.10 CONTESTED DEPENDENCY MOTIONS**

....

#### **(c) *Motions Format and Procedures.***

**(1) *Motions to Be in Writing.*** Motions must be in writing dated and signed by the attorney or party.

**(2) *Motions Documents and Notes—Time and Place for Filing and Scheduling.***

(i) Any party desiring to bring a motion for a contested hearing shall file with the Clerk and serve upon all parties at least 14 days before the date fixed for such hearing, the motion together with all supporting documents including affidavits and a note for the motion calendar. The note must contain the title of the Court; the Clerk's number and a title of the cause; the designation "Juvenile Dependency Motions";



the date and time when the same shall be heard; the words “Note For Motion Calendar”; the names, addresses and telephone numbers of attorneys for all parties; the nature of the motion; and by whom made. This note shall be signed by the attorney or party filing the same, with the designation of party represented.

(ii) Working Copies of the note and motion together with all supporting documents including affidavits shall be ~~served on~~ submitted to the Juvenile Court Coordinator’s Office at the time the moving party notes the hearing.

(iii) Responsive documents and briefs shall be filed with the Clerk and working copies served on all parties and the Court Coordinator’s Office no later than noon seven days prior to the hearing; and documents in strict reply thereto shall be similarly filed and served no later than noon of the second court day prior to the hearing. All responsive documents shall have the hearing date noted on the upper right ~~hand~~-corner. Working copies shall be submitted pursuant to LCR 7(b) to the extent not inconsistent with this rule

....

**(d) Motion—Contents of.** A motion for a contested hearing must conform to the following format:

....

**(6) Proposed Order.** A copy of a proposed ~~form of an order, which the Court may adopt, modify, or reject consistent with the decision of the Court~~ shall be served with the motion and shall be included with the working copies ~~papers~~ provided for the Court. The original of the proposed order shall not be filed with the Clerk, nor included with the working copies ~~papers~~ for the Court, but brought to the hearing by the moving party.

**(e) Striking Hearing or Changing Hearing Date.** A contested dependency motion hearing may be stricken, or the hearing date changed, in the following manner:

**(1) Striking Hearing.** A hearing on a contested dependency motion may be stricken at any time by the moving party, unless another party has previously filed and served a motion to expand issues under LJuCR 3.9(d)(1)(A). Notice that the motion hearing is being stricken shall be given to all parties not later than noon on the day before the scheduled hearing by the means most likely to give actual notice to the party or person in question. Such notice shall be confirmed by filing with the Clerk a Note for Calendar indicating that the hearing has been stricken and serving the notice on all parties. The Note for Calendar should be filed by noon on the business day before the date of the hearing and should be served on the Court Coordinator for distribution to the Judge or Court Commissioner scheduled to hear the matter.

....

**(g) Motion for Oral Testimony.** A party seeking authority to present oral testimony must file a motion requesting oral testimony together with affidavits setting forth the reasons testimony is necessary to a just adjudication of the issues.

(1) The motion for oral testimony shall be filed before or at the time the motion or response of that party is being filed and shall be decided without oral argument. Working copies ~~papers~~ of these materials must also be submitted to the Judge assigned to the calendar on which the motion is set and that Judge will determine whether oral testimony will be allowed and/or set out any limitations without oral argument. Working copies shall be submitted to the Judge pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

....

### **LJuCR 3.11 EMERGENCY HEARINGS AND HEARINGS SET ON SHORTENED TIME**

(a) ***Emergency Hearings.*** Any party or their attorney may set a contested hearing based upon their certification that an emergency exists. In this event the matter shall be heard upon reasonable notice following the same procedure as for a 72-hour hearing pursuant to LJuCR 2.3. The Court may impose sanctions against a person or party who wrongly designates a matter to be an emergency hearing.

(b) ***Motion Shortening Time.***

(1) The time for notice and hearing of a motion may otherwise be shortened only for good cause upon written application to the court in conformance with this rule.

(2) A motion for order shortening time may not be incorporated into any other pleading.

(3) As soon as the moving party is aware that he or she will be seeking an order shortening time, that party must contact the opposing party to give notice in the form most likely to result in actual notice of the pending motion to shorten time, as well as the time and place that the motion to shorten time will be presented. The declaration in support of the motion to shorten time must indicate what efforts have been made to notify the other side of the motion to shorten time, whether efforts to notify were successful, and whether the other side opposes the order shortening time.

(4) Proposed agreed orders to shorten time: if the parties agree to a briefing schedule on motion to be heard on shortened time, the order may be presented by way of a proposed stipulated order, which may be granted, denied or modified at the discretion of the court.

(5) The court may deny or grant the motion and impose such conditions as the court deems reasonable. If the court grants the motion shortening time, the order shall specify deadlines for responsive pleadings or otherwise direct the manner in which the hearing will proceed.

### **LJuCR 3.12 RECONSIDERATION AND REVISION**

(a) ***Reconsideration: Presentation of Orders.***

(1) ***Filing.*** Motions for reconsideration and all pleadings and documents in support thereof must be filed and served on opposing parties and working copies must be delivered to the hearing Judge or commissioner within ten days of the Court's written decision. The motion must set forth specific grounds for the reconsideration and the arguments and authorities therefore. Working copies shall be submitted to the Judge pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

(2) ***Response.*** The opposing party has ten days after receipt of the motion and supporting materials to file documents in opposition. A copy of said pleading and documents must be served on the moving party and working copies delivered to the hearing Judge or commissioner within ten days after receipt of the motion for reconsideration.

**(3) Proposed Order.** Each of the parties must include in the ~~materials-working~~ copies submitted to the hearing Judge or commissioner a proposed order sustaining his/her side of the argument. If the working copies are submitted in paper form, Sshould any party desire a copy of the order signed and filed by the Judge, a pre-addressed, stamped envelope shall accompany the proposed order.

....

**(b) Revision of Commissioner's Ruling:** ~~A motion for revision of commissioner's ruling shall be made in accordance with LJuCR 11.23.~~

~~(a)~~**(1) Service and Filing of Motion.** A motion for revision of a Commissioner's order shall be served and filed within ten (10) days of entry of the written order, as provided in RCW 2.24.050, and noted for consideration within ~~twenty-four (24)~~ twenty seven (27) days of entry of the Commissioner's order. A written note for motion must be provided to all other parties with at least fourteen (14) days notice of the date and place that the motion for revision will be considered. The motion must set forth specific grounds for revision and the arguments and authorities therefore, and it shall be noted without oral argument.

~~(b)~~**(2) Providing Copies to the Judge.** The party seeking revision must provide the designated dependency Judge with copies of the motion, the note for motion, and all paperwork originally submitted by all parties to the Commissioner. The moving party must also provide a copy of the Commissioner's order, a proposed Order on Revision and pre-addressed stamped envelopes for each counsel/party. The designated dependency Judge shall rule on the motion for revision or assign the motion to another judge according to court administration policy. If assigned to another judge, all parties will be provided notice of the reassignment by the bailiff or clerk of the Judge to which the motion has been reassigned.

~~(c)~~**(3) Providing Copies to the Coordinator.** Copies of the motion, note for motion, and supporting paperwork shall also be provided to the office of the juvenile court coordinator. When a hearing has been tape recorded, the coordinator shall notify the clerk and request a copy of the audio or video tape of the hearing. The copy shall be provided by the clerk to the coordinator within two days of the clerk's receipt of the request and shall be available in the office of the court coordinator for a period of one week following the filing of a motion for revision of a Court Commissioner's ruling. Unless objection is filed to that recording within one week following the demand for revision, the recording shall be deemed certified as the record for revision, together with the legal files in the case. The taped recording of the hearing and the legal files shall be promptly transmitted by the court coordinator to the designated Judge hearing the motion for revision.

~~(d)~~**(4) Responsive Document.** Responsive documents must be served, filed, and delivered to the hearing Judge no later than 12:00 noon, seven (7) days before the motion is to be decided. Any documents in strict reply are due no later than 12:00 noon, two (2) days before the motion is to be decided.

~~(e)~~**(5) Oral Argument.** Oral argument on the motion for revision will be scheduled only upon request of the hearing Judge.

~~(f)~~**(6) Effect of Commissioner's Order.** The Commissioner's written order shall remain in effect pending the hearing on revision unless ordered otherwise by the reviewing judge.

~~(g)~~**(7) Time of Filing.** For cases in which a timely motion for reconsideration of the Commissioner's order has been filed, the time for filing a motion for revision of the Commissioner's order shall commence on the date of the filing of the Commissioner's written order of judgment on reconsideration.

### **LJuCR 3.14 GUARDIANSHIP IN JUVENILE COURT**

#### **(a) *Petition for Guardianship for Dependent Child.***

.....

**(f) *Motions to Modify or Terminate a Dependency Guardianship.*** Any party to the underlying dependency except a parent whose rights have been terminated may move to modify or terminate a dependency guardianship, or substitute or remove a guardian. Unless agreed to by all parties including the dependency guardian and the child's Guardian ad Litem or attorney, if any, the motion shall be set on the Contested Dependency Motions Calendar as per LJuCR 3.10 above and all parties including the dependency guardian notified as provided in these rules. The dependency guardianship may be modified or terminated if the Court finds by a preponderance of the evidence that there has been a substantial change in circumstances subsequent to the establishment of the dependency guardianship and that modification or termination of the dependency guardianship is in the best interest of the child. If a dependency guardianship order is terminated, the case shall return to the underlying dependency status and be set for review as required in LJuCR 3.9-~~and 3.10~~.

### **LJuCR 3.16 JUVENILE AUTHORITY OVER FAMILY LAW MATTERS**

#### **(a) *Granting of Concurrent Jurisdiction.***

....

#### **(c) *Authority of Juvenile Court to Hear and Determine Family Law Issues.***

(1) Juvenile Court may hear and determine RCW Title 26 issues in a dependency proceeding as necessary to facilitate a permanency plan for the child or children in the following circumstances:

(A) As part of a dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child, the parents, guardians, or legal custodians of the child may agree subject to Juvenile Court approval to establish a parenting plan, a non-parental custody order, or modify a previously entered parenting plan in order to resolve issues of residential placement and/or visitation between them. Such agreed parenting plan, non-parental custody order, or modification thereof, must have the concurrence of the other parties to the dependency including the supervising agency, the CASA of the child, and the child if age 12 or older, and must further be in the best interest of the child.

(i) For purposes of orders entered pursuant to this section (“agreed orders”) a parent who was defaulted or has failed to respond in the ongoing dependency action may also be defaulted in the title 26 action if that parent does not appear or respond.

(B) Following a fact-finding hearing on the dependency petition and a finding by Juvenile Court that a child has been abused or neglected or otherwise subject to such treatment or condition that it is in the best interest of the child, the Juvenile Court may enter a parenting plan, a non-parental custody order, or modify an existing parenting plan, in order to resolve issues of residential placement and/or visitation between the parents, guardians or legal custodians of the child and to implement a permanency plan of care for said child.

(C) In any parenting plan entered or modified in Juvenile Court pursuant to this rule, all issues pertaining to division of marital property shall be referred to or retained by the Family Law Department of King County Superior Court or the appropriate court in other counties. Issues of child support should be referred to or retained by the Family Law Department of King County Superior Court or the appropriate court in other counties but may be resolved by the Juvenile Court.

(D) Any Juvenile Court order determining RCW Title 26 issues is subject to modification upon the same showing and same standards as a Family Law Court order determining Title 26 issues.

(2) Any order entered in Juvenile Court establishing or modifying a parenting plan, or establishing a non-parental custody order shall be filed in the RCW Title 26 action in the Family Law Department of King County Superior Court or in the appropriate court in other counties by the prevailing party. Once filed in the RCW Title 26 action, any order establishing or modifying a parenting plan, or establishing a non-parental custody order shall survive the dismissal of the dependency proceeding. Juvenile Court may retain jurisdiction as long as is necessary to protect the child.

### **LJuCR 7.12 PLEA AND DISPOSITION HEARING**

(a) A plea and disposition hearing shall be set not more than three weeks after the date of the case setting hearing if the juvenile is out of custody or two weeks after the case setting hearing if the juvenile is detained.

(b) Probation officers shall provide the prosecutor and defense counsel with a copy of their written disposition recommendation at least two days prior to the disposition hearing.

(c) Working copies of Aall written material to be considered by the Court at the disposition hearing shall be submitted to the Court by noon on the next court day prior to the hearing. Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

### **LJuCR 11.23 REVISION OF COURT COMMISSIONER'S RULING**

~~(a) **Service and Filing of Motion.** A motion for revision of a Commissioner's order shall be served and filed within ten (10) days of entry of the written order, as provided in RCW 2.24.050, and noted for consideration, within twenty four (24) days of entry of the Commissioner's order. A written note for motion must be provided to all other parties with at least fourteen (14) days notice of the date and place that the motion~~

for revision will be considered. The motion must set forth specific grounds for revision and the arguments and authorities therefore, and it shall be noted without oral argument.

~~(b) **Providing Copies to the Judge.** The party seeking revision must provide the designated dependency Judge with copies of the motion, the note for motion, and all paperwork originally submitted by all parties to the Commissioner. The moving party must also provide a copy of the Commissioner's order, a proposed Order on Revision and pre-addressed stamped envelopes for each counsel/party. The designated dependency Judge shall rule on the motion for revision or assign the motion to another judge according to court administration policy. If assigned to another judge, all parties will be provided notice of the reassignment by the bailiff or clerk of the Judge to which the motion has been reassigned.~~

~~(c) **Providing Copies to the Coordinator.** Copies of the motion, note for motion, and supporting paperwork shall also be provided to the office of the juvenile court coordinator. When a hearing has been tape recorded, the coordinator shall notify the clerk and request a copy of the audio or video tape of the hearing. The copy shall be provided by the clerk to the coordinator within two days of the clerk's receipt of the request and shall be available in the office of the court coordinator for a period of one week following the filing of a motion for revision of a Court Commissioner's ruling. Unless objection is filed to that recording within one week following the demand for revision, the recording shall be deemed certified as the record for revision, together with the legal files in the case. The taped recording of the hearing and the legal files shall be promptly transmitted by the court coordinator to the designated Judge hearing the motion for revision.~~

~~(d) **Responsive Document.** Responsive documents must be served, filed, and delivered to the hearing Judge no later than 12:00 noon, seven (7) days before the motion is to be decided. Any documents in strict reply are due no later than 12:00 noon, two (2) days before the motion is to be decided.~~

~~(e) **Oral Argument.** Oral argument on the motion for revision will be scheduled only upon request of the hearing Judge.~~

~~(f) **Effect of Commissioner's Order.** The Commissioner's written order shall remain in effect pending the hearing on revision unless ordered otherwise by the reviewing judge.~~

~~(g) **Time of Filing.** For cases in which a timely motion for reconsideration of the Commissioner's order has been filed, the time for filing a motion for revision of the Commissioner's order shall commence on the date of the filing of the Commissioner's written order of judgment on reconsideration.~~

[Reserved.]

## **LJuCR 12.1 TRUANCY CASE ASSIGNMENT AREA**

**(e) *Location for Court Proceedings for Truancy Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.***

....

**(5) *Where Pleadings and Documents Filed.*** Pursuant to LGR 30, all Pleadings and documents in paper form for any truancy action in King County shall

must be electronically filed with the Clerk of the Superior Court using the Clerk's e-filing system. Documents identified as exceptions to mandatory e-filing must be filed in paper form at the court facility in the case assignment area of the case. Documents filed in electronic form, pursuant to GR 30, must be filed in a manner prescribed by the Clerk.

## **LMAR 1.1 APPLICATION OF RULES-PURPOSE AND DEFINITIONS**

**(a) Purpose.** The purpose of mandatory arbitration of civil actions under RCW 7.06 as implemented by the Mandatory Arbitration Rules is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims subject to arbitration by state law. The Mandatory Arbitration Rules as supplemented by these local rules are not designed to address every question ~~which~~ that may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion. Arbitration hearings should be informal and expeditious, consistent with the purpose of the statutes and rules.

**(b) "Supervisor" Defined.** In these rules, "Supervisor" means the Supervisor of Arbitration for the King County Superior Court or ~~their~~ the Supervisor's designee. ~~The appointment of the Supervisor and other administrative matters are addressed in Local Rule 8.6, Administration.~~

## **LMAR 1.3 RELATIONSHIP TO SUPERIOR COURT JURISDICTION AND OTHER RULES-MOTIONS**

~~All motions relating to mandatory arbitration, other than motions for presentation of judgment pursuant to LMAR 6.3 or discovery motions pursuant to LMAR 4.2, shall be brought before the assigned Judge. Cases not assigned shall be brought before the Chief Civil Judge for cases with an SEA designation and before the Chief Judge of the Regional Justice Center for cases with a KNT designation. [Reserved]~~

## **LMAR 2.1 TRANSFER TO ARBITRATION**

**(a) Statement of Arbitrability.** A party believing a case to be suitable for mandatory arbitration pursuant to MAR 1.2 shall ~~promptly~~ file a statement of arbitrability upon a form prescribed by the Court before the case schedule deadline. After the date indicated on the case schedule has passed, ~~a statement of arbitrability may be filed only by leave of the Court upon a showing of good cause~~ the party wishing to transfer a case to arbitration must obtain an order from the Court upon a showing of good cause.

**(b) Response to a Statement of Arbitrability.**

(1) Within 14 days after the statement of arbitrability is served and filed, a party who objects to the statement of arbitrability, on the ground that the objecting party's own claim or counterclaim is not arbitrable, shall serve and file a response on a form prescribed by the Court. If such a response is timely served and filed, the matter shall be administratively removed from arbitration. In the absence of such timely

response, the statement of arbitrability shall be deemed correct. A party who fails to serve and file a response within the time prescribed may later do so only upon leave of the Court for good cause shown.

(2) A party who objects to a statement of arbitrability on the ground that a claim of the party who filed the statement is not subject to arbitration shall note a motion pursuant to LMAR 1.3 before the assigned judge.

**(c) Filing Amendments.** A party may amend or withdraw a statement of arbitrability or response at any time before assignment of an arbitrator and thereafter only upon leave of the court for good cause shown.

**(d) By Stipulation:** A case in which all parties file a stipulation to arbitrate under MAR 8.1(b) will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy, ~~provided the stipulation is filed before the deadline for filing the statement of arbitrability or, thereafter, by leave of the Court~~ by leave of the Court.

### LMAR 2.3 ASSIGNMENT TO ARBITRATOR

**(a) Generally; ~~Stipulations.~~** When a case is set for arbitration, a list of ~~five~~ proposed arbitrators will be furnished to the parties. ~~A master list of arbitrators will be made available on request.~~ The number of proposed arbitrators is based upon the number of adverse parties in the case. The number of adverse parties shall be determined by the Supervisor, subject to review by the Presiding Judge.

**(b) Stipulations.** The parties are encouraged to stipulate to an arbitrator. In the absence of a stipulation, the arbitrator will be chosen from among the ~~five~~ proposed arbitrators in the manner defined by this rule.

**~~(b)(c)~~ Response by Parties.** Each party may, within 14 days after a the list of proposed arbitrators is furnished to the parties, nominate one or two arbitrators and strike two arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by both parties, the Supervisor will appoint an arbitrator from among those not stricken by either party.

**~~(e)(d)~~ Response by Only One Party.** If only one party responds within 14 days, the Supervisor will appoint an arbitrator nominated by that party.

**~~(d)(e)~~ No Response.** If neither party responds within 14 days, the ~~Director~~ Supervisor will appoint one of the ~~five~~ proposed arbitrators.

**~~(e) Additional Arbitrators for Additional Parties.~~** ~~If there are more than two adverse parties, at least two additional proposed arbitrators shall be added to the list with the above principles of selection to be applied. The number of adverse parties shall be determined by the Supervisor, subject to review by the Presiding Judge.~~

### LMAR 3.1 QUALIFICATIONS

**(a) Arbitration Panel.** A person desiring to serve as an arbitrator shall complete an oath of office and information sheet on the form prescribed by the Court. ~~A list showing the names of arbitrators available to hear cases and the information sheets will~~



~~be available for public inspection in the Supervisor's office. The Arbitration Department will maintain and make available a list of arbitrators available to hear cases. The oath of office on the form prescribed by the Court must be completed and filed prior to an applicant being placed on the panel.~~

**(b) Refusal; Disqualification.** The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Supervisor immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice set forth in CJC Canon 3(c) governing the disqualification of Judges. If disqualified, the arbitrator must immediately return all materials in a case to the Supervisor.

### **LMAR 3.2 AUTHORITY OF ARBITRATORS**

An arbitrator has the authority to:

**(a)** Determine the time, place and procedure to present a motion before the arbitrator.

**(b)** Require a party or attorney ~~advising such party~~ or both to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney or both to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the Clerk of the Superior Court, with proof of service of a party on each party. The aggrieved party shall have ten days thereafter to appeal the award of such expense in accordance with the procedures described in RCW 2.24.050. If within ten days after the award is filed no party appeals, a judgment shall be entered in a manner described generally under MAR 6.3.

**(c)** Award attorney's fees and costs as authorized by these rules, by contract, or by law.

**(d)** See MAR 3.2 for the relationship between the arbitrator's and judge's authority over a case in arbitration.

### **LMAR 4.4 NOTICE OF SETTLEMENT**

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**(b) Form of Notice.** The notice of settlement shall be in substantially the following form:

#### **NOTICE OF SETTLEMENT OF ALL CLAIMS AGAINST ALL PARTIES**

Notice is hereby given that all claims against all parties in this action have been resolved. Any trials or other hearings in this matter may be stricken from the court calendar. This notice is being filed with the consent of all parties.

If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled trial date, whichever is earlier, and if a certificate of settlement without dismissal is not filed as provided in LMAR 4.4(d), the case may be dismissed on the Clerk's motion pursuant to LMAR 4.4(c).

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Date

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Attorney for Plaintiff

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WSBA No.

~~(c) Dismissal on Clerk's Motion. If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled arbitration hearing date, whichever is earlier, or if a certificate of settlement without dismissal is not filed as provided in section (d) below, the Clerk will issue notice to the attorneys of record that the case will be dismissed by the Court for want of prosecution unless within 14 days after the issuance a party makes a written application to the Court, showing good cause why the case should not be dismissed. If good cause is shown, the case may be reinstated to the original arbitrator for an additional 90 days or for such period of time as the Court may designate. If an order dismissing all claims against all parties is not entered during that additional period of time, the Clerk shall issue another notice as described above. See LCR 41(b)(2).~~

....

## **LMAR 5.2 PREHEARING STATEMENT OF PROOF- DOCUMENTS FILED WITH COURT**

In addition to the requirements of MAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file ~~which~~ that the party deems relevant.

## **LMAR 5.3 CONDUCT OF HEARING-WITNESSES-RULES OF EVIDENCE**

~~(a) Oath or Affirmation. The arbitrator shall place a witness under oath or affirmation before the witness presents testimony.~~

~~(b) Recording. The hearing may be recorded electronically or otherwise by any party or the arbitrator.~~

~~(c) Rules of Evidence, Generally. The Rules of Evidence, to the extent determined by the arbitrator to be applicable, should be liberally construed in accordance with Local Rule 1.1 (Application of Rules) to promote justice. The parties should stipulate to the admission of evidence when there is no genuine issue as to its relevance or authenticity.~~

~~(d) **Certain Documents Presumed Admissible.** The documents listed below, if relevant, are presumed admissible at an arbitration hearing, but only if (1) the party offering the document serves on all parties a notice, accompanied by a copy of the document and the name, address and telephone number of its author or maker, at least 14 days prior to the hearing in accordance with MAR 5.2; and (2) the party offering the document similarly furnishes all other parties with copies of all other related documents from the same author or maker. This rule does not restrict argument or proof relating to the weight of the evidence admitted, nor does it restrict the arbitrator's authority to determine the weight of the evidence after hearing all of the evidence and the arguments of opposing parties. The documents presumed admissible under this rule are:~~

~~(1) A bill, report, chart, or record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider, on a letterhead or billhead;~~

~~(2) A bill for drugs, medical appliances or other related expenses on a letterhead or billhead;~~

~~(3) A bill for, or an estimate of, property damage on a letterhead or billhead. In the case of an estimate, the party intending to offer the estimate shall forward with the notice to the adverse party a statement indicating whether or not the property was repaired, and if it was, whether the estimated repairs were made in full or in part, attaching a copy to the receipted bill showing the items of repair and the amount paid;~~

~~(4) A police, weather, wage loss, or traffic signal report, or standard United States government life expectancy table to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;~~

~~(5) A photograph, x-ray, drawing, map, blueprint or similar documentary evidence, to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;~~

~~(6) The written statement of any other witness, including the written report of an expert witness, and including a statement of opinion which the witness would be allowed to express if testifying in person, if it is made by affidavit or by declaration under penalty of perjury;~~

~~(7) A document not specifically covered by any of the foregoing provisions but having equivalent circumstantial guarantees of trustworthiness, the admission of which would serve the policies and purposes expressed in Local Rule 1.1 and the interests of justice.~~

~~(e) **Opposing Party May Subpoena Author or Maker as Witness.** Any other party may subpoena the author or maker of a document admissible under this rule, at that party's expense, and examine the author or maker as if under cross examination.~~  
[Reserved.]

## **LMAR 6.1 FORM AND CONTENT OF AWARD**

**(a) Form.** The award shall be prepared on the form prescribed by the Court.

**(b) Return of Exhibits.** ~~When~~ After an award is filed, the arbitrator shall ~~return~~ make available to, and parties shall collect, any exhibits to the parties who offered them during the hearing.

## LMAR 6.2 FILING OF AWARD

**(a) Extension of Time.** A request by an arbitrator for an extension of time for the filing of an award under MAR 6.2 ~~may~~ shall be presented in writing to the Supervisor, ex parte. The Supervisor may grant or deny the request, subject to review by the Presiding Judge. The arbitrator shall give the parties notice of any extension granted.

**(b) Attorneys Fees.** Any motion for actual attorney fees, whether pursuant to contract, statute, or recognized ground in equity, must be presented to the arbitrator, as follows:

(1) Any motion for an award of attorney fees must be submitted to the arbitrator and served on opposing counsel ~~and the arbitration department~~ either before the issuance of an award or within seven calendar days of filing of the award. There shall be no extension of this time.

(2) Any response to the motion for fees must be submitted to the arbitrator and served upon opposing counsel within seven calendar days after receipt of the motion.

(3) The arbitrator shall render a decision on the motion, in writing, within ~~14~~ 21 days after the motion is made.

(4) ~~The decision shall be filed and served~~ arbitrator shall file and serve the decision on all parties and the arbitration department.

(5) A decision on attorney fees shall not extend the time for appeal of the original ~~decision~~ award.

## LMAR 7.1 REQUEST FOR TRIAL DE NOVO-CALENDAR-JURY DEMAND

**(a) Assignment of Trial Date.** If there is a request for a trial de novo, the Court will assign an accelerated trial date. A request for trial de novo may include a request for assignment of a particular trial date or dates, provided that the date or dates requested have been agreed upon by all parties and are between 60 and 120 days from the date the request for trial de novo is filed.

**(b) Jury Demand.** Any jury demand shall be served and filed by the appealing party along with the request for trial de novo, and by a non-appealing party within 14 calendar days after the request for trial de novo is served on that party. If no jury demand is timely filed, it is deemed waived.

**(c) Case Schedule.** ~~Cases originally governed by a Case Schedule pursuant to LR 4, 4.1, or 4.1A will again become subject to a Case Schedule if a trial de novo is requested.~~ Promptly after the request for trial de novo is filed, the Court will issue to all parties a Notice of Trial Date together with ~~an Amended~~ the Trial De Novo Case Schedule, which will govern the case until the trial de novo. The Amended Case Schedule will include the following deadlines:

## Weeks Before Trial

Disclosure of Possible Witnesses (LCR 26): .....	12
Discovery Cutoff (LR 37(g)): .....	7
ADR Requirement: .....	4
Pretrial Conference (individual calendar option only) (LCR 16): .....	[may be ordered by preassigned Judge]
Exchange of Witness and Exhibit Lists and Documentary Exhibits (LCR 46 4): .....	3
Deadline for Hearing Dispositive Pretrial Motions (LCR 56): .....	2
Joint Statement of Evidence (LCR 46 4): .....	1
Trial (LCR 40): .....	0

**(d) Motion to Change Trial Date.** No later than 21 days after the date of the filing of the Notice of Trial Date, any party may move to change the trial date, but no such motion will be granted unless it is supported by a showing of good cause. If a motion to change the trial date is made later than 21 days after the filing of the Notice of Trial Date, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice.

## LMAR 7.2 PROCEDURE AT TRIAL

~~The Clerk shall seal any award if a trial de novo is requested.~~ [Reserved.]

## LMAR 7.3 COSTS AND ATTORNEY FEES

~~MAR 7.3 shall apply only to costs and reasonable attorney's fees incurred since the filing of the request for a trial de novo.~~ [Reserved.]

## LMAR 8.3 EFFECTIVE DATE

~~These rules become effective on October 1, 1980. With respect to civil cases pending on that date, if the case has not at that time received a trial date, or if the trial has been set for later than January 1, 1981, any party may serve and file a statement of arbitrability indicating that the case is subject to mandatory arbitration. If within 14 days no party files a response indicating the case is not subject to arbitration, the case will be transferred to the arbitration calendar. A case set for trial earlier than January 1, 1981, will be transferred to arbitration only on stipulation.~~ [Reserved.]

### **KCLRALJ 8.3 TIME ALLOWED AND ORDER OF ARGUMENT**

Each side shall be allowed ten minutes for oral argument. The first party to file a notice of appeal is entitled to open and conclude oral argument, unless otherwise ordered by the Court. A respondent who has not served and filed a brief seven days in advance of the scheduled hearing date will not be permitted to make oral argument.

Each of the parties shall deliver a ~~courtesy~~ working copy of its brief to the hearing Judge no later than noon of the day before the argument. ~~The date of the argument shall be noted on the brief cover sheet.~~ Working copies shall be submitted pursuant to the requirements of LCR 7(b) to the extent not inconsistent with this rule.

....